

04-02-01

A/Box/seq

## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date March 30, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EK614634129US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Christina Lonzsero

(Print Name)



(Signature)

J1040 U.S. PTO

09/823712

03/30/01

ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
Washington, D.C. 20231

Roche Molecular Systems, Inc.  
1145 Atlantic Ave.  
Alameda, CA 94501  
Case Docket 5443  
March 30, 2001

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is the patent application of

Inventor(s): Sagner *et al.*

For: METHOD FOR DETERMINING THE EFFICIENCY OF NUCLEIC ACID  
AMPLIFICATIONS

1. Enclosed are:

☒ 38 pages of specification

☒ 3 sheet(s) of drawing. ☐ formal ☐ informal

☒ 4 page(s) of Declaration and Power of Attorney

☐ Newly executed ☐ Copy from a prior application ☒ Unexecuted

☒ 2 page(s) of Sequence Listing

☒ 1 computer disk(s) containing Sequence Listing

☒ Statement under 37 CFR § 1.821 or 37 C.F.R. § 1.825

☐ Preliminary Amendment

☐ Revocation and Power of Attorney

2. Priority - 35 U.S.C. § 119

Foreign Priority

☒ Foreign Priority of application(s) number EP/00107036.6 filed on March 31, 2000 in European Patent Office, 10034209.4 filed on July 13, 2000 in German Patent Office and 10045521.2 filed on September 13, 2000 in German Patent Office is claimed under 35 U.S.C. § 119(a)-(d) or 35 U.S.C. § 365(a)-(b).

☐ The certified copy(ies) has(have) been filed in prior U.S. patent application Serial No. \_\_\_\_\_ on \_\_\_\_\_.

☒ The certified copy(ies) will follow.

Priority To Provisional Application(S) Under 35 U.S.C. § 119(e)

☐ Priority of prior provisional application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ is(are) claimed under 35 U.S.C. § 119(e).

☐ Amend the specification by inserting, before the first line, the following sentence: -- This application claims priority under 35 U.S.C. § 119(e) of provisional application Serial No. \_\_\_\_\_, filed \_\_\_\_\_. --

3. Relation back under 35 U.S.C. § 120

☐ The present application is a  
    ☐ continuation  
    ☐ divisional  
    ☐ continuation-in-part (CIP)  
of prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

☐ Amend the specification by inserting, before the first line, the following sentence: -- This application claims priority under 35 U.S.C. § 120 of U.S. application Serial No. \_\_\_\_\_, filed \_\_\_\_\_. --

☐ A copy of the oath or declaration from a prior application noted above is enclosed.

☐ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

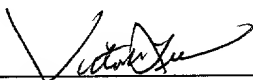
☐ Power of attorney:  
    ☐ The power appears in the original papers of the prior application.  
    ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
    ☐ Recognize as associate attorney \_\_\_\_\_.

[ ] Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee (At least one original independent claim must be retained for filing purposes).

4. The fee has been calculated as shown below:

CLAIMS (as amended in §3, if applicable)				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
TOTAL CLAIMS	14 - 20	0	x \$18	0
INDEP. CLAIMS	3 - 3	0	x \$80	0
MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$	0
BASIC FEE				\$710
TOTAL				<u>\$710.00</u>

5. [X] Please charge my Deposit Account No. **500812** in the amount of \$710.00. This sheet is provided in duplicate.
6. [X] The Commissioner is hereby authorized to charge payment of the following fees or any additional fees associated with this communication or credit any overpayment to Deposit Account No. **500812**. This sheet is provided in duplicate.  
[X] Any filing fees required under 37 C.F.R. § 1.16.  
[X] Any patent application processing fees under 37 C.F.R. § 1.17.
7. [X] Address all communications to: **Customer No. 22829**

  
\_\_\_\_\_  
Victor K. Lee  
Attorney for Applicants  
Reg. No. 35,750  
Customer No. 22829  
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Sagner *et al.*

Group Art Unit: To Be Assigned

Serial No: To Be Assigned

Examiner: To Be Assigned

Filed: Concurrently Herewith

Attorney Docket No. 5443

For: **METHOD FOR DETERMINING THE EFFICIENCY OF NUCLEIC ACID  
AMPLIFICATIONS**

**STATEMENT  
UNDER 37 C.F.R. §1.821 or §1.825**

Assistant Commissioner for Patents  
Washington, D.C. 20231

March 30, 2001

Sir:

**I hereby certify that:**

  X   The contents of the paper Sequence Listing and computer readable Sequence Listing  
submitted herewith are the same. (37 CFR §1.821(f))

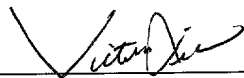
       The contents of the paper Sequence Listing and computer readable Sequence Listing  
submitted herewith are the same. No new matter is included. (37 CFR §1.821(f) & (g))

— Each of the substituted sheets of the paper Sequence Listing submitted herewith is supported in the captioned application. No new matter is included. (37 CFR §1.825(a))

— The contents of the substitute paper Sequence Listing and substitute computer readable Sequence Listing submitted herewith are the same. No new matter is included. (37 CFR §1.825(a) & (b))

— The substitute computer readable Sequence Listing submitted herewith is identical to that originally filed. (37 CFR §1.825(d))

Respectfully submitted,



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